

REMARKS

AMENDMENTS TO THE SPECIFICATION

- 5 The amendment to paragraph 00023 removes the reference to the Food, Drug and Cosmetic Act, to which the Examiner had objected.

AMENDMENTS TO THE CLAIMS

- 10 The amendments to the claims have been made in the interests of speedy prosecution, and without prejudice to Applicant's right to prosecute other claims, including the canceled claims, in one or more continuing applications.

- 15 Claim 65 (which requires the presence of a fragrance) has been amended by including the limitation of dependent claim 76, which has been canceled. In the parent application, Serial No. 09/390 8377, the Examiner rejected claims 78 and 81 (which similarly require the presence of a fragrance) under 35 USC 103 over a combination of references including the Honda and Hitachi references which are listed in the attached Information Disclosure Statement. No such rejection has been made of claim 65 in the
20 present application, and Applicants agree with the Examiner that no amendment of claim 65 is required for the purposes of patentability. The amendment of claim 65 has been made to provide a further distinction over the prior art and without prejudice to the scope of the claim to include equivalents thereof.

- 25 Claims 101-111 have been canceled in view of the restriction requirement.

- 30 Claim 90 has been amended to remove "colorants, pigments and silicones" from the list of possible additives. Thus, amended claim 90 now requires that the composition contains at least one additive selected from sunscreen agents, deodorants, pharmaceuticals and antiseptic agents.

It is believed that the amendments to the specification and claims can properly be made at the present stage, since the amendments are made in answer to the Examiner's objections and rejections; do not raise any new issues; and place the application in better condition for any appeal that may be necessary.

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THE OBJECTIONS AND REJECTIONS

The Objections

10 As noted above, the specification has been amended to remove the objection of new matter in the specification.

The Restriction Requirement

15 Claims 101-111 have been canceled in view of the restriction requirement, and will be made the subject of a divisional application.

The Rejections under 35 U.S.C. 102 and 35 U.S.C. 103

20 Applicants respectfully traverse the rejection of claims 90-94 under 35 U.S.C. 102 as anticipated by, or in the alternative obvious over, McCoy et al. U.S. Patent No. 3,894, 958 ("McCoy"), Song et al. U.S. Patent No. 3,892,671 ("Song") or Kaneshige et al. U.S. Patent No. 4,877,557 ("Kaneshige"), insofar as those rejections are applicable to the amended claims, for the following reasons.

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Claim 90 has been amended to remove "colorants, pigments and silicones" from the list of possible additives. Thus, amended claim 90 requires that the composition contains at least one additive selected from sunscreen agents, deodorants, pharmaceuticals and antiseptic agents. The references do not disclose such additives.

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The Examiner has not suggested that there is any reason why it would have been obvious to one of ordinary skill in the art to add such additives to the lubricating oil compositions disclosed in these references; and, for the sake of completeness,

Applicant asserts that there is no such reason. The rejection should, therefore, be withdrawn.


CONCLUSION

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It is believed that this application is now in condition for allowance. If, however, there are any outstanding issues that could usefully be discussed by telephone, the Examiner is asked to call the undersigned.

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Respectfully submitted



T. H. P. Richardson, 

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